

CMIC/32/09/14
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ITEM 11

FLIMSY # 5

Mode-S Exemption for Military Flights in Germany

- Submitted by GERMANY -

EXECUTIVE SUMMARY

Mode-S installation programmes for State aircraft will not be completed during the agreed State Aircraft Transition Period, which will end on 31 March 2009. The relatively large number of State aircraft that will not comply with Mode-S requirements after this date will need appropriate measures that make it possible to incorporate them into the German ATM system, i.e. into a system in which the requirement to use Mode-S equipment is prevalent.

This paper outlines the framework mechanism endorsed by the German MoD and MoT on how to handle State aircraft not complying with Mode-S requirements after the end the Transition Period.

RECOMMENDATIONS

The members of the CMIC are invited to:

- a) take note of the German regulation and mechanism on how State aircraft not complying with Mode-S requirements will be handled in Germany after the end of the Modes-S Transition Period for State aircraft
- b) take note of the details of the intended publication in the Military Aeronautical Information Publication Germany.

Mode-S Exemption for Military Flights in Germany

1 Introduction

The State Aircraft Transition Period for the Mode-S installation programmes will end on 31 March 2009. However, a relatively large number of German State aircraft will not be retrofitted by this date. This will also apply to other State aircraft flying in German airspace. Nevertheless, these aircraft must have unhindered access to German airspace to fulfil their military tasks.

2 Status

The German Ministry of Transport and Ministry of Defence have agreed on regulations specifying the obligation that military aircraft must carry Mode-S transponders when performing flights in German airspace.

2.1 Policy regulation

According to articles 3 and 4 of the *Verordnung über die Flugsicherungs-ausrüstung der Luftfahrzeuge (FSAV)* (decree about the air traffic services equipment of aircraft) of 26 November 2004, aircraft performing IFR flights or VFR flights in those airspaces of Germany in which carrying a transponder is mandatory must be equipped with Mode-S transponders. These transponders must at least comply with the standard specified in SARPS AMD 77 of ICAO Annex 10.

For state aircraft, these provisions will be effective from 1 April 2009.

2.2 Exemptions (details of planned publication)

Irrespective of the aircraft type and nationality of the weapon system, the following flights are exempted from the obligation to carry suitable Mode-S transponders:

- Flights/training flights performed in connection with the Act on Aviation Security (LuSiG) to preserve security in airspace.
- Security flights/practice security flights within the NATO Integrated Air Defence System (NATINADS).
- Flights performed in the context of SAR missions and for preserving SAR readiness.

All other military flights that must be performed without suitable Mode-S transponders require individual permits from *BMVBS LR 23 ASt Langen* (Langen Branch Office of Section LR 23 of the Federal Minister of Transport, Building and Urban Affairs), which shall be requested well in advance but no later than 48 hours before the beginning of the flight by e-mail or fax, as specified on the attached form. The permit to perform the requested flight can be considered granted if the application has not been rejected by *BMVBS LR 23 ASt Langen* within the specified minimum period of 48 hours.

The exemptions granted by *BMVBS LR 23 ASt Langen* are only valid for German airspace. This procedure also has to be applied for military flights of military aircraft of other countries for which the German Federal Ministry of Defence has issued a military diplomatic clearance on the basis of article 97 of the LuftVZO if these aircraft are not equipped with a suitable Mode-S transponder that meet the requirements of the FSAV.

The Publication in the military AIP Germany is scheduled but can't be realized before 01. April 2009. Therefore a notification by NOTAM is foreseen.